

TWP2

FILED

AUG 14 2012

Clerk, U. S. District Court  
Eastern District of Tennessee  
At Knoxville

August 9, 2012

Ms. Patricia McNutt  
Clerk  
Howard H. Baker Jr., US Courthouse  
800 Market St., Suite 130  
Knoxville, TN 37902-2303

RE: Lester Eugene Siler, et al. v. Gerald David Webber, et al.  
Civil Action NO: 3:10-CV-334

Dear Ms. McNutt:

Please file the enclosed Answer and Motion on my behalf.

  
SHAYNE GREENE

Enclosure

FILE

AUG 14 2012

Clerk, U.S. Dist. Ct.  
Eastern District of Tennessee  
At Knoxville

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE**

**LESTER EUGENE SILER, et al.,**

**Plaintiff,**

**v.**

**NO. 3:10-CV-334**

**GERALD DAVID WEBBER, et al.**

**Defendants.**

**ANSWER TO COMPLAINT  
AND MOTION**

***ANSWER:***

The Defendant, Shayne Green denies the Complaint.

***MOTION:***

Comes the Defendant, Shayne Green, respectfully asking the Court to dismiss the Complaint. Defendant, relies upon the following:

That the Defendant was served Complaint, case number 3:05-CV-341 in 2005 while incarcerated.

That on August 12, 2009, R. Allen Edger, United States Judge, signed an Order to dismiss the case without prejudice. This Order was made on motion from Plaintiffs to voluntarily dismiss against the Defendant.

That on November 25, 2001, Defendant received Complaint via certified mail from Plaintiffs, Civil Action No. 3:10-CV-334.

That this new Complaint filed by the Plaintiffs against Defendant was supposed to have happened July 8, 2004. The Plaintiffs failed to show to the Court in the alleged Complaint that the former Complaint was dismissed against the Defendant.

The Defendant, Shayne Green, respectfully requests a dismissal from the Court based on the following:

The statute of limitation on this Complaint has expired.

RESPECTFULLY SUBMITTED, this 9<sup>th</sup> day of August, 2012 .

BY: Shayne Green  
SHAYNE GREEN, DEFENDNT

Shayne Green  
P.O. Box 53  
Jacksboro, TN 37757

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Attn: Patricia McManus  
United States District Court House  
Eastern District of Tennessee  
800 Market St., Suite 130